

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CAROLYN LOPEZ; DAMIAN RAMOS
ESPINOSA; and CAROLYN LOPEZ on behalf of
C.L. JR,

Plaintiffs,

-against-

CITY OF NEW YORK; WALTER MARIN;
VINCENT BARESE; CHRISTOPHER THOMAS;
JOHN DOES #0-3,

Defendants.

**DECLARATION IN SUPPORT
OF DEFENDANTS'
APPLICATION FOR COSTS
AGAINST PLAINTIFFS**

15-CV-7292 (ARR)

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SHAMECCA BRYANT; RICARDO LOPEZ; and
LILLIAN LOPEZ,

Plaintiffs,

-against-

CITY OF NEW YORK; WALTER MARIN;
VINCENT BARESE; CHRISTOPHER THOMAS;
JOHN DOES #0-3,,

Defendants.

15-CV-7360 (ARR)

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SUZANNE E. ARIBAKAN, declares pursuant to 28 U.S.C. §1746 and under penalty of
perjury that:

1. I am an Senior Counsel in the Office of the Corporation Counsel of the
City of New York, counsel for defendants in these actions. As such, I am familiar with the facts
and circumstances set forth herein.

2. I submit this Declaration in support of the Defendants' Bill of Costs and
application for an award of costs against Carolyn Lopez; Damian Ramos Espinosa; Carolyn

Lopez on behalf of C.L. Jr; Shamecca Bryant; Ricardo Lopez; and Lillian Lopez, (hereinafter, collectively referred to as “plaintiffs”) in these actions.

3. On or about December 22, 2015, plaintiffs Carolyn Lopez; Damian Ramos Espinosa; and Carolyn Lopez on behalf of C.L. Jr., initiated the first action (“Matter 1”) by filing a complaint in the United States District Court, Eastern District of New York (“the Court”), located at 225 Cadman Plaza East, Brooklyn, New York 11201. On or about December 28, 2015, plaintiffs Shamecca Bryant; Ricardo Lopez; and Lillian Lopez initiated the second action (“Matter 2”) by filing a separate complaint with the Court. Plaintiffs in Matter 1 alleged eleven federal claims pursuant to 42 U.S.C. §1983, inter alia, largely for excessive force and false arrest; and seven state law claims, largely for negligent training and supervision on the part of the City. Plaintiffs in Matter 2 alleged nine federal claims pursuant to 42 U.S.C. §1983, inter alia for excessive force and false arrest; and five state law claims, largely for negligence in connection with two separate warranted searches of their apartment in Brooklyn, New York by the defendants on October 1, 2014 and again on January 15, 2015 that led to arrests of some of the plaintiffs.

4. Since these separate actions arose from the same events, the Court consolidated the two matters on or about February 2, 2016.

5. On November 11, 2017, plaintiffs in Matter 1 filed a Stipulation & Order of Voluntary Dismissal of Specific Claims Pursuant to Rule 41(a)(1)(A)(ii) to drop some of their claims, leaving only six federal claims and no state claims.

6. On January 18, 2018, defendants served and filed their Motion for Summary Judgment on all the plaintiffs’ remaining claims in Matter 1. On January 19, 2018, defendants served and filed their Motion for Summary Judgment on all claims in Matter 2. Plaintiffs served and filed opposition papers in the two matters on or about February 18, 2018

and on or about February 20, 2018, respectively. Defendants, thereafter, served and filed their Reply Memorandum of Law in Support of their Motion for Summary Judgment in the two matters, on February 26, 2018 and February 27, 2018, respectively.

7. On June 7, 2018, the Court issued its Opinion & Order granting defendants' Summary Judgment motions in their entirety in both matters.

8. On June 11, 2018, the Clerk of the Court entered Judgment for the consolidated matters, a copy of which is annexed hereto as **Exhibit "A"**.

9. As the prevailing party, defendants are now entitled to costs pursuant to Rule 54(d)(1) of the Federal Rules of Civil Procedure, and Rule 54.1(c)(2) of the Local Civil Rules of the Eastern District of New York, insofar as judgment was entered in favor of the defendants on all claims.

10. Defendants submit their Bill of Costs dated July 10, 2018 for a total of \$1,758.40 attached hereto as **Exhibit "B"**. The costs claimed are correctly stated, are allowable by law, and were necessarily incurred as stated herein.

11. Defendants submit bills for the costs of the translation and transcription services of a Spanish-speaking interpreter, whose services were necessary in order to translate plaintiffs' interviews with the Civilian Complaint Review Board ("CCRB"), the translations of which were necessarily obtained during discovery, and which were used in the preparation of, and excerpts of which were submitted to the Court as an exhibit to, defendants' two Summary Judgment motions. As the prevailing party, pursuant to 28 U.S.C. § 1928 and pursuant to Local Rule 54.1(c) (4), defendants are entitled to these costs together totaling to the amount of \$1,738.40. A true copy of each of the invoices from the translation service, Geneva Worldwide Interpreting and Translation, is annexed hereto as **Exhibit "C"**.

12. Further, the defendants are entitled to an additional \$20.00 pursuant to 28 U.S.C. § 1923.

13. Thus, the total costs incurred by the defendants in the defense of this action pursuant to Local Rule 54.1 are \$1,758.40.

WHEREFORE, it is respectfully requested that the Clerk issue an order granting defendants costs in the amount of \$1,758.40.

Dated: New York, New York
July 10, 2018

/s/

Suzanne E. Aribakan
Senior Counsel
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cc: VIA ECF
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